IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1387 OF 2006
IN
SUIT NO.2058 OF 1993

Shree Anavil Samaj ...Plaintiffs

V/s.

Ramniklal Nagardas Bhuta
(since deceased) ...Defendant

And

Mrs.Vasantben Ramniklal Bhuta & Ors. ...Respondents

.....

Mr.M.P.Vashi for Plaintiffs.

Mr.Rajesh Shah for Defendant.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 7, 2007.

P.C.

1. It appears that Respondents have not been served so far. Advocate on record for Defendant submits that he has no instructions to appear on behalf of Respondents. Even so, I am inclined to allow this Chamber Summons in terms of prayer clauses (a) to (d) as the delay is hardly of 80

days for the reasons recorded in the affidavit in support, which to my mind is sufficient cause. The Plaintiff is a charitable trust and has moved in the matter after following necessary procedure.

2. Even if the Respondents were to oppose condonation of delay, as the delay is only of 80 days, in the interest of justice, the Plaintiffs deserve indulgence for this limited purpose.

3. In the circumstances, to obviate further delay in proceeding with the Suit, Chamber Summons is made absolute in terms of prayer clauses (a) to (d). Plaintiffs to carry out necessary amendments within two weeks from today and take steps to serve the newly added Defendants with the amended copy of the Plaint within four weeks thereafter.

A.M.KHANWILKAR, J.